

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TEXARKANA DIVISION

DONNY RAY WELCH §  
v. § CIVIL ACTION NO. 5:11cv200  
DAWN GROUNDS, ET AL. §

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION  
OF THE UNITED STATES MAGISTRATE JUDGE

The Plaintiff Donny Welch, proceeding *pro se*, filed this civil rights lawsuit under 42 U.S.C. §1983 complaining of alleged violations of his constitutional rights in the Texas Department of Criminal Justice, Correctional Institutions Division. This Court ordered that the case be referred to the United States Magistrate Judge pursuant to 28 U.S.C. §636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges.

One of the named Defendants, TDCJ Executive Director Brad Livingston, has filed a motion asking that he be dismissed from the lawsuit. On September 7, 2012, the Magistrate Judge issued a Report recommending that this motion be granted and that Livingston be dismissed from the case. A copy of this Report was sent to Welch at his last known address, return receipt requested, but no objections have been received; accordingly, he is barred from *de novo* review by the district judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to factual findings and legal conclusions accepted and adopted by the district court. Douglass v. United Services Automobile Association, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*).

The Court has reviewed the pleadings in this cause and the Report of the Magistrate Judge. Upon such review, the Court has concluded that the Report of the Magistrate Judge is correct. It is accordingly

ORDERED that the Report of the Magistrate Judge (docket no. 43) is hereby ADOPTED as the opinion of the District Court. It is further

ORDERED that the motion to dismiss filed by the Defendant Brad Livingston (docket no. 12) is hereby GRANTED and the Defendant Brad Livingston is hereby DISMISSED with prejudice as a party to this lawsuit.

**It is SO ORDERED.**

**SIGNED this 27th day of September, 2012.**



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MICHAEL H. SCHNEIDER  
UNITED STATES DISTRICT JUDGE